

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 FREDERICK BANKS,

5 Plaintiff,

6 v.

7 CYNTHIA REED EDDY, et al.

8 Defendants.
9

Case No. 2:16-cv-1152-APG-NJK

**ORDER AFFIRMING MAGISTRATE
JUDGE'S ORDER**

(ECF No. 5, 6)

10 Magistrate Judge Koppe entered an order denying plaintiff Frederick Bank's application to
11 proceed *in forma pauperis* and allowing Banks another opportunity to submit a renewed application
12 and to correct the deficiencies in his amended complaint. No. 5. Banks appealed that ruling to me.
13 ECF No. 6. Banks contends he cannot file a six-month trust fund statement because he has been
14 incarcerated at his present institution for less than six months. However, Banks should be able to
15 submit a certified statement from his inmate trust account for the period he has been incarcerated
16 at FCI Butner. Moreover, Banks' allegations in his appeal about his amended complaint do not
17 satisfy the deficiencies addressed in Judge Koppe's order.

18 Judge Koppe's Order is not "clearly erroneous or contrary to law." Local Rule IB 3-1(a).
19 Therefore,

20 IT IS HEREBY ORDERED that Magistrate Judge Koppe's order (ECF No. 5) is
21 **AFFIRMED** and the plaintiff's appeal and motion for reconsideration (ECF No. 6) is **DENIED**.
22 However, I will give Banks one last opportunity to address the issues raised in Judge Koppe's order.

23 IT IS FURTHER ORDERED that by November 30, 2016, Banks shall file a renewed
24 application to proceed *in forma pauperis*, accompanied by a signed, completed financial certificate
25 and a certified statement from his inmate trust account for the period he has been incarcerated at
26 FCI Butner. In the alternative, Banks shall make the necessary arrangements to pay the filing fee
27 of \$400, accompanied by a copy of this order.
28

1 IT IS FURTHER ORDERED that by November 30, 2016, Banks may file a Second
2 Amended Complaint if he believes he can correct the deficiencies noted in Judge Koppe's orders.

3 IT IS FURTHER ORDERED that the failure to comply with any portion of this order will
4 result in dismissal of this action.

5
6 DATED this 14th day of October, 2016.

7 

8 _____
9 ANDREW P. GORDON
10 UNITED STATES DISTRICT JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28